

FLORENCE POLICE DEPARTMENT

GENERAL ORDER

Subject: EMERGENCY RESPONSE & PURSUIT OF MOTOR VEHICLES	Procedure: General Order 19.2.1 CALEA 41.2.1	Total Pages: 13
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I. POLICY

It is the policy of the Florence Police Department to regulate emergency and pursuit driving with due regard to safety in an effort to eliminate the risk of death or injury which may result from high risk vehicle operation. This policy is consistent with the primary objective of the Police Department, which is the protection of life and property.

II. PURPOSE

The purpose of this policy is to establish guidelines for emergency driving and the pursuit of motor vehicles.

III. SCOPE

This directive is applicable to all sworn personnel and communications personnel.

IV. RESPONSIBILITY

All personnel will comply with this directive. No related provisions of state law, city ordinance, or departmental directive will relieve the driver of a police vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of reckless and/or negligent behavior.

V. POLICY PROVISIONS

- A. Motor vehicle pursuits of fleeing suspects can present a danger to the lives of the public, officers, and suspects involved in the pursuit. It is the policy and practice of the Florence Police Department to protect all persons' lives to the extent possible when enforcing the law.
- B. The decision to initiate a pursuit must be based on a reasonable assessment that the immediate danger to the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.
- C. The policy of the Florence Police Department is that no pursuit shall be automatically approved or denied. Each pursuit should be evaluated on the facts and circumstances of that particular incident. The supervising officer

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should determine whether clear and articulable reasons for pursuit exist or not in every instance by following the guidance in this directive.

- D. Emergency driving is justified only when the officer knows, or has reasonable grounds to believe that a true emergency exists.

VI. DEFINITIONS

A. AUTHORIZING SUPERVISOR:

- 1. The initiating unit's on-duty supervisor.
- 2. The next available on-duty supervisor in the event that the initiating unit's regular supervisor is out of service or unavailable.
- 3. Personnel responsible for approving, reviewing, and controlling the pursuit.

B. EMERGENCY: When the officer knows, or has reasonable grounds to believe that a felony has been committed or is in the process of being committed; **OR**, there is imminent danger of injury or death.

C. EMERGENCY VEHICLE: A police unit, fully or clearly equipped with all emergency equipment including blue lights and siren.

- 1. CODE 1 (ROUTINE OPERATION): Respond and obey all traffic laws.
- 2. CODE 3 (EMERGENCY): An emergency exists. Respond with lights and siren in accordance with Code of Alabama Motor Vehicle Laws, Section 32-5a-7.

D. INITIATING/PRIMARY UNIT: The police unit that initiates a pursuit or any other unit that assumes the lead position.

E. PURSUIT: An active attempt by a law enforcement officer operating an emergency vehicle, with emergency equipment activated, to stop a motor vehicle when the driver of such vehicle willfully and knowingly is resisting apprehension by maintaining or increasing his/her speed, using other evasive tactics, or otherwise ignoring the signal to stop.

F. PURSUIT TERMINATION DEVICE: Commercially available devices that, when driven over are designed to provide for the controlled deflation of vehicle tires whereby safely ending a vehicle pursuit. Agency issued pursuit termination devices are available in a limited number of Patrol vehicles. Pursuit termination devices are intended to terminate a motor vehicle pursuit without further endangering the public or officers involved.

G. PRECISION IMMOBILIZATION TECHNIQUE (PIT): An intentional act of force using a police vehicle to physically force a fleeing vehicle from a course of travel in order to stop the vehicle.

H. ROADBLOCKS: A barricade or other obstruction across a roadway set up to stop or prevent the escape of a fleeing vehicle.

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- I. ROLLING/MOVING ROADBLOCK: A moving roadblock (sometimes referred to as a rolling roadblock) is defined as the utilization of a moving police vehicle or vehicles in an attempt to stop another moving vehicle.
- J. SECONDARY UNIT: The backup unit following the primary unit.
- K. TERMINATE A PURSUIT: Immediately reduce speed to the legal speed limit and comply with all applicable traffic laws. Turn off all emergency equipment. Officers shall not continue to pursue the suspect vehicle, nor may they violate any traffic laws or regulations in an effort to catch up to, or parallel the suspect vehicle, unless authorized by a supervisor. Officers shall make every effort to present an appearance to the suspect(s) that the police are no longer pursuing.

VII. EMERGENCY RESPONSE PROCEDURES

- A. Unless there is reason to believe an emergency exists, officers should respond to routine calls by obeying all traffic laws (CODE 1 Response). CODE 1 Response is the standard response to calls absent emergency conditions.
- B. If circumstances require an emergency response (CODE 3), officers should respond with lights and sirens activated.
- C. Officers should advise dispatch anytime their response is CODE 3.
- D. Police officers will be accountable for evaluating the risks associated with operating a police vehicle in emergency conditions. These risks will continually be evaluated and if there is a clear and unreasonable hazard to the officer, violator, other motorists or pedestrians; emergency responses should not be initiated or continued.
- E. An unreasonable hazard exists when speeds dangerously exceed the flow of traffic or when vehicular or pedestrian traffic necessitates erratic maneuvering which exceeds the performance capabilities of the vehicle or driver. Factors an officer must consider include:
 - 1. Would the decision to respond CODE 3 create more danger to the public than the need for immediate assistance;
 - 2. The performance capabilities of the police vehicle and driver;
 - 3. The seriousness of the perceived emergency;
 - 4. Roadway conditions, either structural or weather related;
 - 5. Pedestrian traffic;
 - 6. Speeds; and/or
 - 7. Direction of traffic flow and traffic volume.
- F. No personnel will operate a police vehicle in excess of the posted speed limit or against any traffic control devices when doing so will result in violation of Code of Alabama Motor Vehicle Laws, Section 32-5A-7.

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- G. If after initiating a CODE 3 response, it is determined that a response of Code 3 is not needed, the officer making such determination must ensure that all units responding are advised, over the radio, to reduce their response to CODE 1. All officers should then resume the CODE 1 response.
- H. Personnel will be authorized to exercise the provisions of Code of Alabama Motor Vehicle Laws, Section 32-5A-7 under the following conditions:
 - 1. When in route to a known or presumed felony in progress;
 - 2. When in route to a scene where a person is presumed to be injured, or where there is a chance that a person will be injured or killed; and/or
 - 3. When in pursuit of a vehicle or person, or in an attempt to stop a motorist on the roadway.
- I. The provisions allowed by the Code of Alabama 32-5A-7 shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

VIII. PURSUIT PROCEDURES

A. INITIATING PURSUIT

- 1. Pursuits originating from traffic stops may be initiated when an individual who is suspected of a felony, misdemeanor, or serious traffic offense is observed operating a motor vehicle.
- 2. Pursuits may be continued when the individual observed is suspected of a felony or the suspect's flight to elude escape is more dangerous to the community than the risks posed by the pursuit.

B. EVALUATING THE CIRCUMSTANCES

- 1. The pursuing officer shall consider the following factors in determining whether to initiate pursuit:
 - a. Seriousness of original offense;
 - b. The performance capabilities of the pursuit vehicle and the vehicle being pursued;
 - c. The condition of the road surface upon which the pursuit is being conducted;
 - d. The amount of motor vehicle traffic and pedestrian traffic in the area;
 - e. Weather conditions;
 - f. The threat posed by the suspect if not immediately apprehended; and

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- f. The facts and circumstances that caused the pursuing officer to attempt to stop and decision to pursue.
2. A motorcycle unit or unmarked unit may initiate a pursuit, however, once a marked unit is available to take over as the primary unit, the motorcycle or unmarked unit will assume the secondary unit's role, until other marked units arrive and at that point, the motorcycle or unmarked unit will terminate. Such initiating units shall monitor the pursuit until it is terminated. They may then proceed to the termination point, at the direction of the on-duty supervisor, to affect the arrest for the offense that necessitated the pursuit.
 3. The primary officer shall complete all necessary reports on the police action he/she took.
 4. The primary pursuit unit shall reduce his/her level of pursuit to that of support or secondary unit when another vehicle has been assigned primary pursuit responsibility.
 5. Any primary or secondary unit sustaining damage to or failure of essential motor vehicle equipment during the pursuit shall not be permitted to continue in the pursuit. The unit shall notify dispatch so that another unit may be assigned to the pursuit.
 6. The initiating/primary officer in a pursuit, after providing information about the pursuit (e.g. location, speed, direction of travel of the fleeing vehicle, and facts surrounding the pursuit), shall obtain supervisory approval to either continue the pursuit or terminate the pursuit. If an appropriate supervisory unit **does not affirmatively authorize** the continuation of the pursuit, the initiating/primary officer **shall** discontinue the pursuit.
- D. SECONDARY UNIT'S RESPONSIBILITIES:
1. The secondary unit or support unit shall also be an emergency vehicle.
 2. This unit will advise dispatch that he/she will be the secondary unit (subject to approval by an authorizing supervisor).
 3. This unit shall follow the primary unit at a safe distance and be ready to assume the primary unit's position should the primary unit be unable to continue the pursuit.
 4. This unit shall take over radio broadcast responsibilities from the primary unit once he/she joins the pursuit.
 5. At the termination point, the secondary officer shall assist in the apprehension of the suspect(s).
- E. DISPATCHER'S RESPONSIBILITIES:
- After being advised of a pursuit, dispatchers will do the following:

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1. Clear the radio channel of all non-emergency traffic;
2. Immediately advise a supervising unit of essential information regarding the pursuit;
3. Obtain vehicle checks if the license plate number is known;
4. Names checks may be requested if the suspect is known;
5. Coordinate and dispatch backup assistance;
6. Advise pursuit vehicles of any known hazard in the path of the pursuit (i.e. accidents, street closures, or repairs, etc.)
7. Transmit all information pertinent to the pursuit to other police units;
8. Notify neighboring jurisdictions, where practical, when the pursuit may extend into their jurisdiction;
9. Maintain communications with the pursuing units and supervising unit, as well as, repeat locations, direction of flight, and descriptions.

NOTE: Supervisory personnel may request the dispatcher not repeat the officer's transmissions for officer safety reasons if such situations arise.

10. Through the Computer Aided Dispatch (CAD) system, record all times, unit numbers, and vital information;
11. If there are priority calls pending and/or other officers are involved in potentially volatile situations, the dispatcher may elect to shift units not involved in the pursuit to another radio frequency. The dispatcher shall clearly broadcast this change; and
12. Announce the termination point and call for any support personnel requested.
13. Resume normal transmissions once the authorizing supervisor or a unit participating in the pursuit advises the situation has stabilized.

F. SUPERVISING UNIT'S RESPONSIBILITIES

1. Upon notification that a vehicle pursuit is in progress, the supervising unit shall **immediately:** acknowledge the pursuit, assume responsibility for the authorization of the pursuit to continue or not, monitor radio communications, and maintain control of the pursuit as it progresses.
2. In each pursuit, the authorizing supervisor should identify clear and articulable reasons to either allow the pursuit to continue, or to make the decision to terminate.
3. If the on-duty supervisor is out of service, the next available on-duty supervisor will respond and either authorize the pursuit to continue, or direct the initiating/primary officer to terminate the pursuit.

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4. Pursuits initiated by officers outside their area of command or while off duty will be under the control of the authorizing supervisor of the pursuit.
5. **The authorizing supervisor shall continuously review the incoming data to determine whether the pursuit should be continued or terminated.**
6. The authorizing supervisor may approve and assign additional back-up vehicles to assist the primary and secondary pursuit vehicles based on an analysis of:
 - a. The nature of the offense for which the pursuit was initiated;
 - b. The number of suspects and any known propensity for violence;
 - c. The number of officers in the pursuit vehicles;
 - d. Any damage or injuries to the assigned primary and secondary vehicles or officers;
 - e. The experience and training of the officer involved;
 - f. The number of officers necessary to make an arrest at the conclusion of the pursuit; and/or
 - g. Other clear and articulable facts that might cause a supervisor to do so.
7. In monitoring the pursuit, the authorizing supervisor shall be responsible for the coordination of the pursuit as follows:
 - a. Directing pursuit vehicles into or out of the pursuit;
 - b. Re-designating of primary, support, or secondary vehicle responsibilities;
 - c. Approval or disapproval, and coordination of pursuit tactics; and
 - d. Approval or disapproval to leave the jurisdiction to continue the pursuit.
8. The authorizing supervisor shall respond immediately to the termination point and assume responsibility for any police action at the scene.
9. Ensure all proper reports are completed and notifications are made.

IX. WHEN TO TERMINATE THE PURSUIT

- A. A decision to terminate pursuit may be the most rational means of preserving the lives and property of the public, the officers, and suspect(s) engaged in a

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motor vehicle pursuit. **Any officer or supervisor may terminate a pursuit at any time.** The primary unit and the authorizing supervisor shall continually re-evaluate the pursuit situation based upon all initiating factors and shall terminate a pursuit whenever he/she reasonably believes the risk associated with the continued pursuit outweighs the benefit of making an immediate apprehension.

- B. Pursuits shall be immediately terminated in any of the following circumstances:
 - 1. Weather or traffic conditions (both vehicular and pedestrian) substantially increase the danger of pursuit beyond the worth of apprehending the suspect(s);
 - 2. The condition of the road surface becomes hazardous;
 - 3. The distance between the pursuit and fleeing vehicle is so great that further pursuit is futile;
 - 4. The danger posed by continued pursuit to the public, the officers, or the suspect(s) is greater than the value of apprehending the suspect(s); and/or
 - 5. If the identity of the suspect(s) is known, the immediate apprehension is not necessary to protect the public, and apprehension at a later time is feasible.
- C. The pursuing officer shall relay this information to dispatch personnel, along with any further information acquired that may assist in an arrest later.
- D. If a supervisor orders the termination of a pursuit, all officers directly or indirectly involved shall immediately reduce speed to the legal speed limit, comply with all applicable traffic laws, and turn off all emergency equipment. Officers shall not continue to pursue the suspect vehicle, nor may they violate any traffic laws or regulations in an effort to catch up to, or parallel the suspect vehicle, unless authorized by a supervisor. Officers shall make every effort to present an appearance to the suspect(s) that the police are no longer pursuing.

X. FORCIBLE STOPPING

A. PURSUIT TERMINATION DEVICES

- 1. **The only Florence Police authorized pursuit termination devices are Stinger Spike Systems and Stop Stick deflation devices.**
- 2. Before using any pursuit termination device, an employee must have successfully completed Florence Police Department approved training on the use of the pursuit termination device.
- 3. Pursuit termination devices may be utilized to terminate a pursuit or in non-pursuit situations, when a driver refuses to stop and presents an immediate danger to others. An example of immediate danger

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- would result from a person driving on the wrong side of a divided highway and other attempts to stop the vehicle have failed.
4. Under no circumstances shall pursuit termination devices be used against a motorcycle or three wheeled-vehicles unless the use of deadly force is justified.
 5. Unless **substantial** risk to the public is imminent and apparent by not forcibly terminating a pursuit, pursuit termination devices shall not be used against:
 - a. School buses transporting passengers;
 - b. Buses transporting passengers;
 - c. Trucks transporting explosives or other hazardous materials;
 - d. Vans transporting passengers; and
 - e. Any other vehicle, which could reasonably be expected to be above normal risk of causing serious damage or injury.
 6. Reasonable efforts shall be made to avoid using pursuit termination devices on road surfaces that have in the immediate vicinity:
 - a. Standing water;
 - b. An exceptionally rough surface; and/or
 - c. Other unique characteristics or circumstances, which would indicate a foreseeable increase in the risk of a serious crash.
 7. Pursuit termination devices should be deployed in areas with unobstructed views of the roadways from both directions to aid in deployment and lessen the possibility of a crash. The safety of officers while deploying pursuit termination devices must also be considered in selecting a deployment location.
 8. Once the pursuit termination device is in place, everyone at the scene should seek a secure location away from the path of the fleeing vehicle. Protection should be sought from barriers constructed in a manner capable to offer adequate protection to the on-scene officers.
 9. When the fleeing vehicle has passed the device's location, the pursuit termination device shall be retrieved so the pursuing vehicles may pass. The roadway shall be free of moving traffic before any attempt is made to remove the device/device debris from the roadway.
 10. Any and all use of the pursuit termination devices shall be documented on a Florence Police Department After Action Report and forwarded to the appropriate division commander via the chain of command.
 11. OTHER CONSIDERATIONS FOR PURSUIT TERMINATION DEVICES:

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- a. Decision to utilize a pursuit termination device shall be made by the Shift Supervisor to forcibly terminate a pursuit.
- b. The Officer must advise all patrol units that the pursuit termination devices are being deployed and give the location of the deployment.
- c. The Officer shall park his patrol unit in a manner that does not create a stationary roadblock.
- d. The Officer shall deploy the pursuit termination device in the path of the pursued vehicle whereas as much of the roadway is covered as possible.
- e. The location of deployment should be such as to attempt to bring the pursued vehicle to a stop without injury to the individuals in the vehicle and with the least amount of damage possible.
- f. Pursuit termination devices should not be deployed in any area where there is a high traffic volume present, in curves, or a steep decline in the roadway.

B. PRECISION IMMOBILIZATION TECHNIQUE (PIT)

1. 1. Precision Immobilization Technique (PIT), is an intentional act of force using a police vehicle to physically force a fleeing vehicle from a course of travel in order to stop the fleeing vehicle. PIT is a safe and effective method of terminating a pursuit, especially at lower speeds. As the speed increases, so does the danger. Though the PIT appears easy to perform, it requires proper technique and location is vital. Therefore, training on its use is critical.
2. An officer who has received the agency's approved training in PIT may use the technique, **with prior approval from the on-duty supervisor**, if it is obvious to the officer that the driver of the fleeing vehicle is refusing to stop after procedural attempts to signal the driver have been utilized.
3. The decision to use PIT must be solely up to the pursuing officer's discretion after receiving permission to do so from the on-duty supervisor and taking into consideration the safety of the public as well as the risk to the occupant(s) of the fleeing vehicle and the officers involved in the pursuit. The factors listed below are some to be considered. Others may exist, depending on the situation; any possible safety issue(s) **should** be factored into the decision to use PIT:
 - a. Armed suspect(s)
 - b. Children in the vehicle
 - c. Hostages

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- d. Type of vehicle
- e. Trajectory of the vehicle
- f. Speed vs. Location
 - 1. Residential Area – Special consideration **should** be given to performing PIT in residential areas.
- g. Traffic and weather conditions.

C. ROADBLOCKS

The following methods of stopping a fleeing vehicle **are PROHIBITED:**

- 1. ROADBLOCKS – A barricade or other obstruction across a roadway set up to stop or prevent the escape of a fleeing vehicle.
 - 2. ROLLING ROADBLOCK – A moving roadblock (sometimes referred to as a rolling roadblock) is defined as the utilization of a moving police vehicle or vehicles in an attempt to stop another moving vehicle.
- D. REPORTS DUE: All forcible stops require a written report and After Action Report. The after action requires administrative review and appropriate signatures.

XI. INTER/INTRAJURISDICTIONAL PURSUITS

- A. When pursuits originate within this jurisdiction by members of the Florence Police Department and continue beyond this jurisdiction's boundaries, the primary officer **must** receive permission from his/her supervisor before pursuing the suspect out of the jurisdiction. If permission is granted, dispatch personnel shall advise the next jurisdiction's law enforcement agency.
- B. When a pursuit initiated by an outside agency enters this jurisdiction, that agency shall remain responsible for the progress and conduct of the pursuit as their agency's policy dictates. Notification by that agency of a pursuit shall not be construed as a request to join or otherwise assist in the pursuit.
- C. When another jurisdictional agency pursues a vehicle into the City of Florence and requests the Florence Police Department's assistance, a supervisory unit shall determine if the pursuit is within the Florence Police Department's pursuit policy guidelines. If it is within the department's policy guidelines, the supervisor **may** approve assistance. If the other agency requests that a unit from the Florence Police Department assume the primary position, a supervisory unit **must** first approve this request. Otherwise, a unit from the Florence Police Department shall act as an assisting unit.
- D. If the police vehicle from another jurisdiction continues a pursuit into, or initiates a pursuit in the City of Florence and then the pursuit leaves the City

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of Florence, all Florence Police Department personnel should cease involvement in the pursuit, unless otherwise directed by a supervisory unit.

XII. PURSUIT DRIVING GUIDELINES

The following guidelines are presented to assist officers in conducting a pursuit in a safe manner:

1. The police vehicle's emergency lights, siren, radio, brakes, steering, and other mechanical equipment must be in good operating condition in order to initiate or continue a pursuit.
2. All police vehicles involved in a pursuit shall use emergency lights and sirens throughout the pursuit.
3. Officers engaged in a pursuit may proceed past a red light or stop signal but only after slowing down as may be necessary for safe operation. Officers must constantly be aware of other traffic and place his/her safety and the public's safety as a priority.
4. Officers engaged in a pursuit may exceed maximum speed limits so long as life or property is not unduly endangered.
5. Unless directed by the authorizing supervisor, no more than two police vehicles may become actively involved in the pursuit.
6. Officers involved in a pursuit, or a unit paralleling the pursuit, shall not attempt to pass other units unless requested to do so by the primary unit or a supervisory unit involved in the pursuit.

XIII. PURSUIT REPORTING

1. The authorizing supervisor should conduct a de-brief, preferably during the following workday's roll call or the first roll call in which the shift returns to work following the pursuit. Both positive and negative aspects of the pursuit may be discussed as a training aid. Those participating in the de-brief may include, but not limited to, the shift commander, the authorizing supervisor, and the officers that were involved in the pursuit.
2. If a supervisor is the primary initiating unit in a pursuit, the supervisor's next highest ranking supervisor should conduct the de-brief.
3. The pursuit **shall** be documented on a Florence Police Department After Action Report and submitted to the Chief of Police via Chain of Command. Copies of all related police reports, as well as statements from participating officers and witnesses will be attached. Copies of the After Action Report and related police reports will be forwarded to the Operations Bureau Commander. Commanders will review each pursuit after action report.
4. All After Action Reports regarding pursuits and forcible stopping will be submitted to the Office of Internal Affairs for the purpose of conducting a documented annual analysis of pursuit reports and conducting a documented annual review of pursuit policies and reporting procedures.